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December 15, 2010

Via Electronic Filing and Facsimile

Hon. Michael A. Shipp, U. S. M. J.
United States District Court, District of New Jersey
Martin Luther Jr. Federal Building & U. S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

RE: **Pantoja v. City of Hoboken**
Civil Action No.: **07-05113 (SRC)**
Our File No.: **229961**

Your Honor:

I represent the Plaintiffs in the above referenced matter and am writing with the consent of my adversaries. The purpose of this letter is to request an adjustment of the current summary judgment briefing and pre-trial-schedule in light of recent settlement discussions and other developments.

As you are aware, on December 13, 2010, the parties to the underlying litigation, as well as the parties to another dynamically interrelated litigation (concerning insurance coverage), participated in a settlement conference led by Magistrate Shwartz. The parties are in agreement that there was significant progress made at the settlement conference and are

hopeful that settlement will be obtained within days. While a final settlement has not yet been obtained, the parties believe they are relatively close in coming to an agreement, and on account of that fact, and Magistrate Shwartz is still actively conferring with all involved parties. Plaintiffs have presented a final demand and are awaiting a response from the insurance carriers for Hoboken, which Plaintiffs require by December 20, 2010, if settlement is to occur. Magistrate Shwartz has a telephone call with the insurance carriers scheduled today.

In the matter before Your Honor, Plaintiffs' opposition to Defendants' summary judgment motion is due Friday, December 17, 2010. Obviously, Plaintiffs do not want to incur the costs affiliated with finalizing and filing opposition briefs in the event that settlement will occur.

Additionally, assuming that settlement does not occur, counsel for the parties have scheduling issues necessitating an adjustment to the current pre-trial schedule. Counsel for Hoboken, Robert Levy, Esq., will be on trial in New Hampshire commencing March 14, 2011, in a criminal matter that is unlikely to settle and he has a family vacation (which is paid for) the week of April 4, 2011. The undersigned will also be on a two week trial commencing February 28, 2011 in Essex County.

Accordingly, the parties are jointly requesting a push-back of the dates concerning submission of the remaining summary judgment papers. Additionally, the parties are jointly requesting an adjustment to the scheduling concerning the pre-trial order, the pre-trial conference (which now appear currently scheduled for January 24, 2010 and February 7, respectively), as well as a proposed trial date. The parties estimate at this time that a trial of this matter would take at least 6 weeks. There are approximately 20 witnesses (including experts) that would be called to testify at this trial as well as substantial documentary and visual evidence. The parties are in agreement that the drafting of the pre-trial order in this matter will be a complex and time-consuming process.

Consequently, the parties are jointly and respectfully requesting that the following schedule be entered:

- Plaintiffs' Opposition to Defendants' Summary Judgment Motion – December 24, 2010.
- Defendants' Reply in Support of Summary Judgment – January 14, 2011.
- Return Date on Summary Judgment Motion – February 14, 2011
- Final Pre-Trial Order be submitted - March 7, 2011.

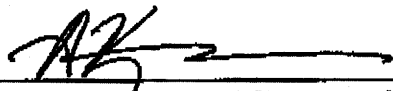
- March 14, 2011 at 2:00 pm
- Final Pre-Trial Conference – April 18, 2011.

We have conferred with Judge Chesler's chambers and have been advised that they are amenable to the proposed adjustment to the summary judgment schedule, provided that your Honor agrees to same.

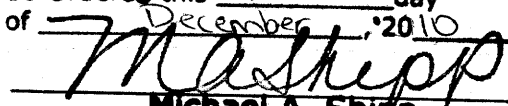
Thank you for your attention to this matter.

Respectfully submitted,

**GINARTE O'DWYER GONZALEZ
GALLARDO & WINOGRAD, LLP**



ADAM J. KLEINFELDT, ESQ.

So Ordered this 15th day
of December, 2010


Michael A. Shipp
United States Magistrate Judge